

March 4, 2008

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20005

Re: Aventure Communication Technology, LLC Petition for Waiver of Sections
54.307(c) and 54.802 of the Commission's Rules, CC Docket No. 96-45: Notice
of *Ex Parte* Presentation

Dear Ms. Dortch:

Aventure Communication Technology, LLC ("Aventure"), through its undersigned counsel and in accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, respectfully submits this notice of *ex parte* presentation. On March 3, 2008, Jim McKenna, President, Aventure; Brad Chapman, Chief Financial Officer, Aventure; Jon Canis and I, counsel to Aventure, met with the following persons from the Commission to discuss Aventure's Petition for Waiver filed in the above-referenced proceeding: Jennifer Prime, Jennifer McKee, Nicholas Alexander, Amy Bender, and Jeremy Marcus.

During the presentation, Aventure distributed the attached two documents, which summarize the scope of its *ex parte* presentation. In the meeting, Aventure urged the Commission to grant its petition for waiver of the line count filing requirement, and explained that the receipt of universal service funding is critical to its continued business survival and development. Aventure also reiterated that it has instituted a system of checks and balances to ensure that a late filing does not occur again. *See also* Aventure Petition at 5-6. Furthermore, Aventure demonstrated that it took immediate steps to file the FCC Form 525 after it discovered that the responsible employee had not filed the form, such that it only submitted the form twelve days late.

Please contact the undersigned if you have any questions regarding this filing.

Respectfully submitted,

WOMBLE CARLYLE SANDRIDGE & RICE

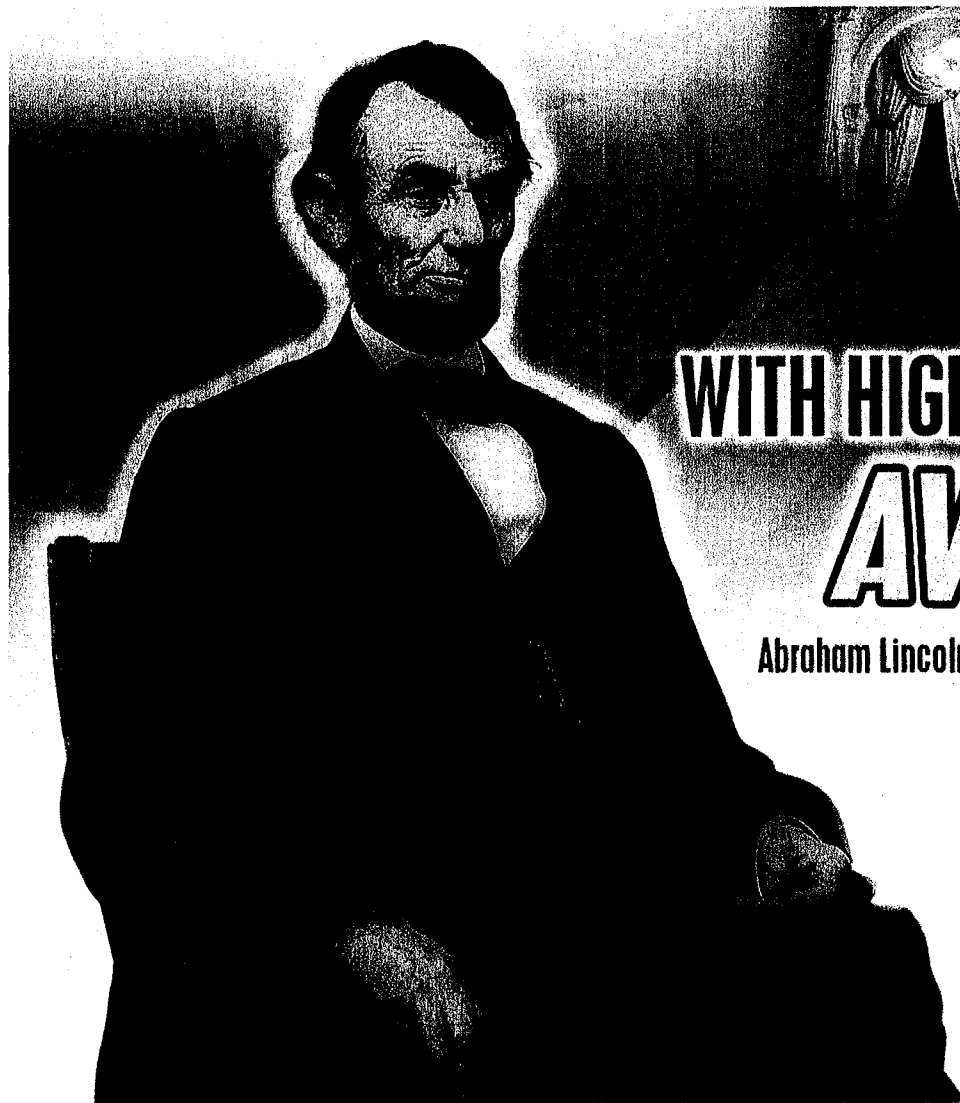
A Professional Limited Liability Company

A handwritten signature in black ink that reads "Jennifer Kashatus". The signature is written in a cursive, flowing style.

Jonathan Canis

Jennifer M. Kashatus

cc: Nicholas Alexander (via email)
Amy Bender (via email)
Jeremy Marcus (via email)
Jennifer McKee (via email)
Jennifer Prime (via email)



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Waiver of 525 Filing Deadline Correction of 499 Revenue Reports

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March 3, 2008

Two Filing Errors Have Placed Adventure In an Untenable Position

1. Line Count Report filed 2 weeks late
 - Result: USF receipts withheld next quarter

2. 499 Greatly Overstated USF Payments
 - Result: USF receipts withheld indefinitely
 - Result: USF invoiced amounts have increased from \$4,700 to \$91,000

Access Litigation Exacerbates Adventure's Problems

- Since November 2006, AT&T and the other large IXC's have refused to pay any of Adventure's access charges
- Per the FCC's rules, Adventure filed a collection action in federal court in February 2007
- Procedural delays make it likely that trial will not take place until next year

Pending Request for Waiver of Line Count Filing Deadline

- Due to clerical error, Aventure failed to file its Form 525 line count information when due – December 30, 2007
- On January 11, 2008, Aventure discovered the error and immediately filed its Form 525
- On February 1, Aventure discovered it was not eligible for High Cost Support for the next quarter
- USAC: Cannot release HCF support because Form 525 filed after deadline – must obtain waiver

Waiver Request (cont'd)

- Adventure filed request for Waiver of 525 filing deadline on February 11, 2008
 - Shows that, since ETC designation 2 years ago, Adventure has made timely filings
 - Shows that corrective action was taken immediately upon discovery of error
- Petition now on Public Notice:
 - Comments due 3/31/08
 - Replies due 4/15/08

USAC Notice of Withholding Action

- Caused by entering total company revenues (\$3,000,000), not end user revenues (\$135,000)
 - Increased USF payment from \$4,700 to \$91,000
- 2/25/08 USAC Notice of Withholding Action
 - Informed Aventure that \$91,000 must be paid, or will be deducted from HCF distribution
- Conversations with USAC explained error in filing – total company revenues (including access) were reported instead of end user revenues only
- USAC offered payment plan, which is clearly inappropriate
- Referred to FCC Staff to correct misreporting

Withholding Action (cont'd)

List of Aventure Revenue Reports

499-Q date filed	Collected End User Revenues (line 120)
02/01/07	\$ 80,000
05/09/07	\$ 120,000
07/18/07	\$ 145,000
10/29/07	\$3,000,000
01/25/08 (revised 10/29)	\$ 135,000
Most recent	\$ 135,000

THE EQUITIES FAVOR RELIEF TO ADVENTURE

Aventure Provides Advanced Services to Underserved Rural Communities

- Iowa Utilities Board granted ETC status on 3/6/06
- Advanced IP-based telephony and multimegabit Internet access
- Currently providing services to residential and business customers in Salix and Sloan, Iowa
 - Including deploying and managing advanced broadband wireless network on Winnebago Tribal Lands

Advanced Rural Service (cont'd)

- Adventure owns and operates its own networks, including softswitches, routers, and wireless loops
 - Full class 4/5 switch, full line of IP-PBX features
- Broadband wireless network
 - Has developed unique, patented technologies that greatly expand coverage
 - Provides synchronous 3Mbps Internet access
- Networks are modular and readily interconnected to provide scalable, dynamic networks

Advanced Rural Service (cont'd)

- Original 5-year plan: buildout of 24 networks in Iowa and South Dakota
 - Planned to build 5 networks in Iowa by end of 2007, and 8 more by end of 2008
 - Would cover over 16,000 population in the most rural towns in Iowa
 - Budget: \$1,330,000
 - Plans dramatically curtailed due to inability to access HCF support
 - To date, only 2 networks deployed

There Has Been No Non-Compliance, Only Filing Errors

- Aventure has been making all of its filings consistently for 2 years
- Form 525 mistake corrected within 2 weeks, and immediately upon discovery
- Aventure has always made timely quarterly payments of the correct USF amount
- In both cases, approached USAC immediately upon discovering errors

REQUESTED RELIEF

THE RELIEF REQUESTED

- Expeditious grant of Waiver of Filing Deadline for Line Count Filing
 - Petition on file, comment schedule set (comments due 3/31; replies due 4/15)
 - Aventure requests a grant of its petition as soon as possible after 4/15
- Lift USAC Withholding of Action
 - Confirm calculation of Aventure's end user revenues and adequacy of Aventure's USF payments immediately